

APPEAL NO. 032833  
FILED DECEMBER 9, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on October 9, 2003. The hearing officer resolved the disputed issues by deciding that: (1) the appellant (claimant) did not sustain a compensable repetitive trauma injury; (2) the claimant has not had disability; (3) the date of injury pursuant to Section 408.007 is \_\_\_\_\_; (4) the respondent (carrier) is relieved of liability under Section 409.002 because of the claimant's failure to timely notify the employer of her injury pursuant to Section 409.001; and (5) the injury does not extend to and include the right elbow. The claimant appealed the hearing officer's determinations on all of the disputed issues, and the carrier responded.

DECISION

Affirmed.

The claimant contended that she sustained a repetitive trauma injury from performing her work activities, that she timely notified her employer of her injury, and that she has disability. The claimant had the burden to prove that she sustained a repetitive trauma injury as defined by Section 401.011(36), that she timely reported her claimed injury to her employer pursuant to Section 409.001(a)(2), and that she had disability as defined by Section 401.011(16). Conflicting evidence was presented on the disputed issues. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. Although there is conflicting evidence in this case, we conclude that the hearing officer's determinations on the appealed issues are supported by sufficient evidence and are not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **TRINITY UNIVERSAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**DOROTHY A. LANGLEY  
10000 NORTH CENTRAL EXPRESSWAY  
DALLAS, TEXAS 75231.**

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Robert W. Potts  
Appeals Judge

CONCUR:

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Chris Cowan  
Appeals Judge

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Gary L. Kilgore  
Appeals Judge